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*Counsel for Defendants Wells Fargo & Company
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SETO MARSELIAN, d/b/a BISTRO PAZZO,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

WELLS FARGO & COMPANY, WELLS
FARGO BANK, N.A., and DOES 1-10,
inclusive,

Defendants.

Case No. 4:20-cv-03166-HSG

**STIPULATED REQUEST AND
ORDER TO CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE**

The Hon. Haywood S. Gilliam, Jr.

1 WHEREAS, on May 8, 2020, Seto Marselian d/b/a Bistro Pazzo (“Plaintiff”) filed the
2 instant action (the “Action”) against Wells Fargo & Company and Wells Fargo Bank, N.A. (together,
3 Defendants);

4 WHEREAS, the deadline for Defendants to respond to Plaintiff’s Complaint was
5 extended by the parties’ stipulation to September 18, 2020;

6 WHEREAS, at the parties’ request, the Court continued the Initial Case Management
7 Conference from August 18, 2020 to October 27, 2020 in light of a pending Motion for Transfer of
8 Actions to the Southern District of Texas Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated
9 Pretrial Proceeding, which sought to transfer this Action and several other cases to the Southern District
10 of Texas for coordinated or consolidated proceedings in a multidistrict litigation entitled *In re Wells*
11 *Fargo Paycheck Protection Plan Litigation*, MDL No. 2954;

12 WHEREAS, the Judicial Panel on Multidistrict Litigation denied the Motion for Transfer
13 on August 5, 2020;

14 WHEREAS, on September 1, 2020, the Court found that this and another action pending
15 in this District, *2 Andy Enterprise Corporation v. Wells Fargo & Company*, No. 4:20-cv-05212-HSG,
16 are related, and the latter action was accordingly reassigned to the Honorable Haywood S. Gilliam, Jr.;

17 WHEREAS, on September 18, 2020, Defendants filed a Motion to Compel Arbitration
18 and Dismiss the Complaint, which seeks to compel Plaintiff to arbitration (the “Motion to Compel
19 Arbitration”) and, alternatively, to dismiss the Complaint under Federal Rules of Civil Procedure
20 12(b)(1) and 12(b)(6);

21 WHEREAS, a hearing on Defendants’ Motion to Compel Arbitration and Dismiss the
22 Complaint is scheduled for December 10, 2020;

23 WHEREAS, the Initial Case Management Conference in the Action is currently set for
24 October 27, 2020 at 2:00 p.m.;

25 WHEREAS, under Fed. R. Civ. P. 6(b)(1)(A) and Civil Local Rule 6-1(b), Plaintiff and
26 Defendants request that, subject to the Court’s availability, the Court continue the October 27, 2020
27 Initial Case Management Conference to 30 days after the Court issues a decision on Defendants’ Motion
28 to Compel Arbitration. As set forth in the accompanying Declaration of Brendan P. Cullen, good cause

exists for the Court to continue the Initial Case Management Conference. Given that the Court has been asked to decide whether to order Plaintiff's claims to arbitration, continuing the Initial Case Management Conference will avoid the potentially unnecessary expenditure of the parties' and the Court's resources in connection with the conference;

WHEREAS, the parties in the related 2 *Andy* action also have agreed to submit a stipulated request to continue the Initial Case Management Conference in that case, which is likewise currently scheduled for October 27, 2020, until 30 days after Defendants' anticipated Motion to Compel Arbitration in that case has been decided.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, through their undersigned counsel, that:

Plaintiff and Defendants request that the Court continue the Initial Case Management Conference, along with all related deadlines, to 30 days after the Court issues a decision on Defendants' Motion to Compel Arbitration.

DATED: October 8, 2020

/s/ Brendan P. Cullen

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1
2 DATED: October 8, 2020

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/9/2020



THE HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE